

114TH CONGRESS
2D SESSION

S. 3061

To establish a national commission on fiscal responsibility and reform.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2016

Mr. MANCHIN (for himself, Mr. KIRK, and Mr. PERDUE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish a national commission on fiscal responsibility
and reform.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Fiscal Responsibility
5 Act of 2016” or the “FIRE Act”.

6 SEC. 2. ESTABLISHMENT OF COMMISSION.

7 (a) ESTABLISHMENT.—Not later than 180 days after
8 each inauguration of a President, there shall be estab-
9 lished within the legislative branch a commission to be
10 known as the National Commission on Fiscal Responsi-

1 bility and Reform (referred to in this section as the “Com-
2 mission”).

3 (b) MEMBERSHIP.—A Commission established under
4 subsection (a) shall be composed of 18 members of
5 whom—

6 (1) six members shall be appointed by the
7 President, of whom not more than 4 shall be from
8 the same political party;

9 (2) three members shall be appointed by the
10 Majority Leader of the Senate, from among current
11 Members of the Senate;

12 (3) three members shall be appointed by the
13 Speaker of the House of Representatives, from among current
14 Members of the House of Represent-
15 atives;

16 (4) three members shall be appointed by the
17 Minority Leader of the Senate, from among current
18 Members of the Senate; and

19 (5) three members shall be appointed by the
20 Minority Leader of the House of Representatives,
21 from among current Members of the House of Rep-
22 resentatives.

23 (c) CO-CHAIRPERSONS.—From among the members
24 appointed under paragraph (1), the President shall des-

1 nominate 2 members, who shall not be of the same political
2 party, to serve as Co-Chairpersons of the Commission.

3 (d) **QUALIFICATIONS.**—Members appointed to each
4 Commission established under subsection (a) shall have
5 significant depth of experience and responsibilities in mat-
6 ters relating to government service, fiscal policy, econom-
7 ics, Federal agency or private sector management, public
8 administration, and law.

9 (e) **DUTIES.**—

10 (1) **IN GENERAL.**—Each Commission estab-
11 lished under subsection (a) shall identify policies to
12 improve the fiscal situation in the medium term and
13 to achieve fiscal sustainability over the long term.

14 (2) **REQUIREMENTS.**—In carrying out para-
15 graph (1), each Commission shall—

16 (A) propose recommendations designed to
17 balance the budget, excluding interest payments
18 on the debt, by the end of the 10-year period
19 beginning on the date on which the Commission
20 is established, in order to stabilize the debt-to-
21 GDP ratio at an acceptable level; and

22 (B) propose recommendations that mean-
23 ingfully improve the long-term fiscal outlook,
24 including changes to address the growth of enti-
25 tlement spending and the gap between the pro-

1 jected revenues and expenditures of the Federal
2 Government.

3 (f) REPORTS.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date on which members are appointed under
6 subsection (a) to a Commission, the Commission
7 shall vote on the approval of a final report con-
8 taining the recommendations required under sub-
9 section (e).

10 (2) APPROVAL OF REPORT.—Each Commission
11 may only issue a final report if the final report is
12 approved by not less than 12 members of the Com-
13 mission.

14 (3) SUBMISSION OF REPORT TO CONGRESS.—A
15 final report approved under this subsection shall be
16 submitted to Congress and made available to the
17 public.

18 (g) POWERS OF THE COMMISSION.—

19 (1) HEARINGS.—Each Commission may hold
20 such hearings, sit and act at such times and places,
21 take such testimony, and receive such evidence as
22 the Commission considers advisable to carry out the
23 duties of the Commission described in subsection (e).

24 (2) INFORMATION FROM FEDERAL AGENCIES.—
25 Each Commission may secure directly from any Fed-

1 eral department or agency such information as the
2 Commission considers necessary to carry out the du-
3 ties of the Commission described in subsection (e).
4 Upon request from the Co-Chairpersons of a Com-
5 mission, the head of a department or agency shall
6 provide the information requested to the Commis-
7 sion.

8 (3) POSTAL SERVICES.—Each Commission may
9 use the United States mails in the same manner and
10 under the same conditions as other departments and
11 agencies of the Federal Government.

12 (4) WEBSITE.—Each Commission shall estab-
13 lish a website that shall contain—

14 (A) the recommendations required under
15 subsection (e); and

16 (B) the records of attendance of the mem-
17 bers of the Commission for each meeting of the
18 Commission.

19 (h) GAO ASSISTANCE.—The Comptroller General of
20 the United States shall provide technical assistance to
21 each Commission, as each Commission conducts the work
22 of the Commission, on the findings and recommendations
23 of the Government Accountability Office.

24 (i) CBO ASSISTANCE.—The Director of the Congres-
25 sional Budget Office shall provide technical assistance to

1 each Commission, as each Commission conducts the work
2 of the Commission, on the findings and recommendations
3 of the Congressional Budget Office.

4 (j) PERSONNEL MATTERS.—

5 (1) IN GENERAL.—Members of each Commis-
6 sion shall serve without any additional compensa-
7 tion.

8 (2) TRAVEL EXPENSES.—Members of each
9 Commission shall be allows travel expenses, includ-
10 ing per diem in lieu of subsistence, as rates author-
11 ized for employees of agencies under subchapter I of
12 chapter 57 of title 5, United States Code, while
13 away from their homes or regular places of business
14 in the performance of services for the Commission.

15 (3) STAFF.—

16 (A) IN GENERAL.—The Co-Chairpersons of
17 each Commission, may without regard to the
18 civil service laws and regulations, appoint and
19 terminate an executive director and such other
20 additional personnel as may be necessary to en-
21 able the Commission to perform its duties. The
22 employment of an executive director shall be
23 subject to confirmation by the Commission.

24 (B) COMPENSATION.—The Co-Chair-
25 persons of each Commission may fix the com-

1 pensation of the executive director and other
2 personnel without regard to the provisions of
3 chapter 51 and subchapter III of chapter 53 of
4 title 5, United States Code, relating to the clas-
5 sification of positions and General Schedule pay
6 rates, except that the rate of pay for the execu-
7 tive director and other personnel may not ex-
8 ceed the rate payable for level V of the Execu-
9 tive Schedule under section 5613 of such title.

10 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
11 Any Federal Government employee may be detailed
12 to a Commission established under subsection (a)
13 without reimbursement, and such detail shall be
14 without interruption or loss of civil service status or
15 privilege.

16 (5) PROCUREMENT OF TEMPORARY AND INTER-
17 MITTENT SERVICES.—The Co-Chairpersons of each
18 Commission may procure temporary and intermit-
19 tent services under section 3109(b) of title 5, United
20 States Code, at rates for individuals which do not
21 exceed the daily equivalent of the annual rate of
22 basic pay prescribed for level V of the Executive
23 Schedule under section 5316 of such title.

24 (k) TERMINATION OF THE COMMISSION.—Each
25 Commission established under subsection (a) shall termi-

1 nate 30 days after the date on which the Commission sub-
2 mits the final report of the Commission under subsection
3 (f).

4 (l) RULES OF CONSTRUCTION.—Nothing in this Act
5 shall be construed to—

6 (1) impair or otherwise affect—

7 (A) authority granted by law to an execu-
8 tive department, agency, or the head thereof; or

9 (B) functions of the Director of the Office
10 of Management and Budget relating to budg-
11 etary, administrative, or legislative proposals; or

12 (2) create any right or benefit, substantive or
13 procedural, enforceable at law or in equity by any
14 party against the United States, its departments,
15 agencies, or entities, its officers, employees, or
16 agents, or any other person.

17 (m) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—There are authorized to be
19 appropriated to each Commission established under
20 this Act such sums as may be necessary to carry out
21 this Act.

22 (2) AVAILABILITY.—Any sums appropriated
23 under paragraph (1) shall remain available, without
24 fiscal year limitation, until expended.

1 SEC. 3. CONSIDERATION OF COMMISSION RECOMMENDA-
2 TIONS.

3 (a) DEFINITIONS.—In this section—

4 (1) the term “Commission report” means a
5 final report submitted to Congress under section
6 2(f)(3); and

7 (2) the term “joint resolution” means a joint
8 resolution that contains legislative text necessary to
9 implement the recommendations contained in the
10 Commission report.

11 (b) SUBMISSION OF PROPOSED JOINT RESOLU-
12 TION.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date on which a Commission report is sub-
15 mitted under section 2(f)(3), the President shall
16 transmit to Congress a special message accompanied
17 by a proposed joint resolution.

18 (2) REQUIREMENTS FOR PREPARATION OF PRO-
19 POSED JOINT RESOLUTION.—

20 (A) CONSULTATION WITH CONGRESS.—

21 (i) IN GENERAL.—The President may
22 not transmit a proposed joint resolution
23 under paragraph (1) until after the Presi-
24 dent completes consultation with Congress
25 in accordance with this subparagraph.

14 (I) substantive feedback or rec-
15 ommendations relating to the Com-
16 mission report and how best to legisla-
17 tively address the recommendations
18 contained in the Commission report;

19 (II) recommendations for alter-
20 native means of addressing the rec-
21 ommendations contained in the Com-
22 mission report; and

23 (III) recommendations regarding
24 which recommendations contained in
25 the Commission report should not be

1 addressed in the proposed joint reso-
2 lution.

7 (I) determined by the President;

8 and

(II) based on the content of the proposed joint resolution.

(A) specify recommendations outlined in the Commission report that are excluded from the proposed joint resolution;

(B) detail why the recommendations described in subparagraph (A) were excluded from the proposed joint resolution;

7 (4) TRANSMITTAL.—The President shall submit
8 the special message to the Secretary of the Senate
9 if the Senate is not in session and to the Clerk of
10 the House of Representatives if the House is not in
11 session.

17 (c) INTRODUCTION BY LEADERS.—

18 (1) IN THE HOUSE OF REPRESENTATIVES.—

1 House of Representatives or by a Member of
2 the House of Representatives designated by the
3 majority leader of the House of Representa-
4 tives.

5 (B) JOINT RESOLUTION NOT INTRO-
6 DUCED.—

7 (i) IN GENERAL.—If, within 31 days
8 on which the House of Representatives is
9 in session after the date on which the
10 President transmits a proposed joint reso-
11 lution under subsection (b), the proposed
12 joint resolution is not introduced in accord-
13 ance with subparagraph (A), it shall be in
14 order for the minority leader of the House
15 of Representatives or a Member of the
16 House of Representatives designated by
17 the minority leader of the House of Rep-
18 resentatives to introduce the proposed joint
19 resolution.

20 (ii) JOINT RESOLUTION INTRODUC-
21 TION BY OTHERS.—If, within 40 days on
22 which the House of Representatives is in
23 session after the date on which the Presi-
24 dent transmits a proposed joint resolution
25 under subsection (b), the proposed joint

1 resolution is not introduced in accordance
2 with subparagraph (A) or clause (i) of this
3 subparagraph, it shall be in order for any
4 member of the House of Representatives to
5 introduce the proposed joint resolution in
6 the House of Representatives.

7 (2) IN THE SENATE.—

8 (A) IN GENERAL.—Not later than 30 days
9 on which the Senate is in session after the date
10 on which the President transmits a proposed
11 joint resolution under subsection (b), the pro-
12 posed joint resolution shall be introduced in the
13 Senate (by request) by the majority leader of
14 the Senate or by a Member of the Senate des-
15 ignated by the majority leader of the Senate.

16 (B) JOINT RESOLUTION NOT INTRO-
17 DUCED.—

18 (i) IN GENERAL.—If, within 31 days
19 on which the Senate is in session after the
20 date on which the President transmits a
21 proposed joint resolution under subsection
22 (b), the proposed joint resolution is not in-
23 troduced in accordance with subparagraph
24 (A), it shall be in order for the minority
25 leader of the Senate or a Member of the

1 Senate designated by the minority leader
2 of the Senate to introduce the proposed
3 joint resolution.

4 (ii) JOINT RESOLUTION INTRODUC-
5 TION BY OTHERS.—If, within 40 days on
6 which the Senate is in session after the
7 date on which the President transmits a
8 proposed joint resolution under subsection
9 (b), the proposed joint resolution is not in-
10 troduced in accordance with subparagraph
11 (A) or clause (i) of this subparagraph, it
12 shall be in order for any member of the
13 Senate to introduce the proposed joint res-
14 olution.

